

HENEGAN
CONSTRUCTION CO., INC

September 16, 2008

Invoice #: 048211

To: Image Processing Systems
C/O Lehman Brothers-CRE
PO BOX 2236
Secaucus, NJ 07096

Re: Lehman Brothers Inc.,
1271 Avenue of the Americas
Day 2 Work
H.C.C. # 280148
Proposal#1

Attn: Mr. Colin Bowen

Requisition No. 3R

BASE CONTRACT AMOUNT	\$ 4,581.58
CHANGE ORDERS TO DATE	\$ <u>41,757.73</u>
ADJUSTED CONTRACT SUM	\$ <u>46,339.31</u>
COMPLETED TO DATE	\$ 46,339.31
LESS RETAINAGE	\$ <u>0.00</u>
TOTAL EARNED LESS RETAINAGE	\$ 46,339.31
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ <u>22,729.27</u>
TOTAL AMOUNT DUE THIS REQUEST	\$ <u><u>23,610.04</u></u>

cc: Eric Johnson
CB Richard Ellis
140 Broadway-8th Floor
New York, New York 10005

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE ONE OF TWO PAGES

TO OWNER: Lehman Brothers Inc.,
1301 Avenue of the Americas
New York, N.Y. 10019
Attn: Colin Bowen

PROJECT: Lehman Brothers
1271 Ave. of the Americas, NYC
Day 2 Work-Proposal #1
HCC #280148

FROM GENERAL CONTRACTOR: Henegan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA ARCHITECT: Gensler & Associates
1230 Ave. of the Americas
New York, NY 10020

APPLICATION NO.: 3R
PERIOD TO: September 11, 2008
PROJECT NOS.:
CONTRACT DATE:

Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR


CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$ 4,581.58
2. Net change by Change Orders \$ 41,757.73
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 46,339.31
4. TOTAL COMPLETED & STORED TO DATE \$ 46,339.31
(Column C on G703)
5. RETAINAGE:
b. 0 % of Stored Material \$ 0.00
(Column F on G703)
Total Retainage (Line 5a + 5b or
Total in Column I of G703) \$ 0.00
6. TOTAL EARNED LESS RETAINAGE \$ 46,339.31
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 22,729.27
(Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE \$ 23,610.04
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0.00
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	
Total approved this month	41,757.73	
TOTALS	41,757.73	
NET CHANGES by Change Order		

The undersigned Contractor certifies that to the best of the Contractor's knowledge,
information and belief the Work covered by this Application for Payment has been
completed in accordance with the Contract Documents, that all amounts have been
paid by the Contractor for Work for which previous Certificates for Payment were
issued and payments received from the Owner and that current payment shown herein is
now due.

CONTRACTOR: HENEGAN CONSTRUCTION CO., INC.
By:  V.P. Accounting Date: 9/15/08
State of: New York
County of: New York
Subscribed and sworn before
me this day of
Notary Public
My Commission expires:
JAMES J. O'BRIEN
Notary Public, State of New York
No. 4918485
Qualified in Nassau County
Commission Expires February 1, 2010

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data
comprising this application, the Architect certifies to the Owner that to the best of the
Architect's knowledge, information and belief the Work has progressed as indicated, the
quality of the Work is in accordance with the Contract Documents, and the Contractor is
entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation if amount certified differs from the amount applied for. Initial all
figures on this Application and on the Continuation Sheet that are changed to
conform to the amount certified.)

ARCHITECT: _____ Date: _____

CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for time items may apply.

HCC #280148

ARCHITECT'S PROJECT NO:

AIA DOCUMENT G703

(Instructions on reverse side)

PAGE 2 OF 2 PAGES

APPLICATION NUMBER:

3R

APPLICATION DATE

September 16, 2008

PERIOD FROM:

August 20, 2008

PERIOD TO:

September 11, 2008

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G+C)	I BALANCE TO FINISH (C-G)	J RETAINAGE
			FROM PREVIOUS APPLICATION ID + B	THIS PERIOD Labor					
	ACOUSTICAL CEILINGS	1,010.73	1,010.73	0.00		1,010.73	100%	0.00	0.00
	VCT, BASE & CARPET	953.70	953.70	0.00		953.70	100%	0.00	0.00
	ELECTRICAL	2,240.00	2,240.00	0.00		2,240.00	100%	0.00	0.00
	SUBTOTAL	4,204.43	4,204.43	0.00	0.00	4,204.43	100%	0.00	0.00
	General Conditions- 5.0%	210.22	210.22	0.00	0.00	210.22	100%	0.00	0.00
	SUBTOTAL	4,414.65	4,414.65	0.00	0.00	4,414.65	100%	0.00	0.00
	Labor/Overtime	0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00
	SUBTOTAL	4,414.65	4,414.65	0.00	0.00	4,414.65	100%	0.00	0.00
	Fee- 2.5%	110.37	110.37	0.00	0.00	110.37	100%	0.00	0.00
	SUBTOTAL	4,525.02	4,525.02	0.00	0.00	4,525.02	100%	0.00	0.00
	Insurance-1.25%	56.56	56.56	0.00	0.00	56.56	100%	0.00	0.00
	SUBTOTAL	4,581.58	4,581.58	0.00	0.00	4,581.58	100%	0.00	0.00
	TOTAL-BASE CONTRACT								
		4,581.58	4,581.58	0.00	0.00	4,581.58	100%	0.00	0.00
	CHANGE ORDERS								
	C.O.#004	20,165.09	0.00	20,165.09		20,165.09	100%	0.00	0.00
	C.O.#005	3,444.95	0.00	3,444.95		3,444.95	100%	0.00	0.00
	C.O.#006	13,827.64	13,827.64	0.00		13,827.64	100%	0.00	0.00
	C.O.#007	4,320.05	4,320.05	0.00		4,320.05	100%	0.00	0.00
	TOTAL-CHANGE ORDERS	41,757.73	18,147.69	23,610.04	0.00	41,757.73	100%	0.00	0.00
	PROJECT TOTAL	46,339.31	22,729.27	23,610.04	0.00	46,339.31	100%	0.00	0.00

AIA DOCUMENT - APPLICATION AND CERTIFICATE FOR PAYMENT - MAY 1993 EDITION - AIA® - © 1993
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20005

G703 - 1993

PROJECT:

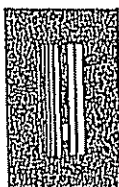
LEHMAN BROTHERS
1271 Ave. of Americas
Day 2 Work

HIRSHMAN CONSTRUCTION CO., INC.
TRADE SUMMARY

TRADE	SUBCONTRACTOR	ORDERED VALUE	ORDERED QUANTITY	ORDERED CONTRACT	ORDERED APPLICATION	ORDERED WORK IN PLACE	ORDERED IN PLACE	TOTAL ORDERED	% COMPLETED	BALANCE TO ORDER	LAST RECEIVED	LAST RECEIVED	AUDIT RETENTION	TOTAL RETENTION	NET BALANCE
DRYWALL & CARPENTRY	J.P. Phillips	0.00	1,809.95	1,809.95	1,809.95	0.00	0.00	1,809.95	100%	0.00	0.00	0.00	0.00	0.00	0.00
ACCOUSTICAL CEILINGS	J.P. Phillips	1,010.23	1,305.12	2,315.05	1,010.23	0.00	0.00	1,315.85	100%	0.00	0.00	0.00	0.00	0.00	0.00
WCT, BASE & CARPET	Consolidated Carpet	953.70	0.00	953.70	953.70	0.00	0.00	953.70	100%	0.00	0.00	0.00	0.00	0.00	0.00
PAINTING & WALLCOVERING	Murray Hill Painting	0.00	476.00	476.00	476.00	0.00	0.00	476.00	100%	0.00	0.00	0.00	0.00	0.00	0.00
ELECTRICAL	Campbell & Dwyer	2,240.00	11,260.00	13,500.00	11,245.00	0.00	0.00	13,500.00	100%	0.00	0.00	0.00	0.00	0.00	0.00
ELECTRICAL	Hugh O'Keefe	0.00	17,200.00	17,200.00	0.00	0.00	17,200.00	17,200.00	100%	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL SUBCONTRACTORS		4,204.43	32,057.07	36,255.50	15,495.38	0.00	20,760.12	36,255.50	100%	0.00	0.00	0.00	0.00	0.00	0.00
General Condition	Hirshman Construction Co., Inc.	210.32	1,602.56	1,812.78	774.27	0.00	1,038.01	1,812.78	100%	0.00	0.00	0.00	0.00	0.00	0.00
Lighting	Hirshman Construction Co., Inc.	0.00	6,592.66	6,592.66	5,630.98	0.00	961.68	6,592.66	100%	0.00	0.00	0.00	0.00	0.00	0.00
Fee	Hirshman Construction Co., Inc.	110.37	1,003.92	1,114.29	547.54	0.00	566.75	1,114.29	100%	0.00	0.00	0.00	0.00	0.00	0.00
Insurance	Hirshman Construction Co., Inc.	56.56	515.57	572.08	280.60	0.00	291.48	572.08	100%	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL HCC		377.15	9,206.66	10,003.81	7,233.99	0.00	2,949.92	10,003.81	100%	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CONTRACT		4,581.58	41,257.73	46,259.31	22,729.37	0.00	23,700.04	46,259.31	100%	0.00	0.00	0.00	0.00	0.00	0.00

23,510.04

APPLICATION # 38
H.C.C. JOB # 200148
9/11/2008



HENEGAN
CONSTRUCTION CO., INC.

June 30, 2008

Mrs. Cecilia Butler-McLaughlin
Lehman Brothers
1301 Avenue of the Americas, 9th Floor
New York, NY 10019

Re: Lehman Brothers
1271 Avenue of the Americas
HCC # 280148
Day 2 Work
Change Order # 0005

Dear MRS. Butler-McLaughlin:

We herewith submit our change order to perform additional work at the above referenced location, as outlined below, for the sum of **THREE THOUSAND FOUR HUNDRED FORTY FOUR AND 95/100 DOLLARS, (\$3,444.95).**

Scope of Work

Furnish labor and materials required to provide electrical alterations in Office 24003 on the 45th floor as directed by Mrs. Butler-McLaughlin of Lehman Brothers in the attached e-mail dated 6/19/08. This alteration has been classified as Day-2 work.

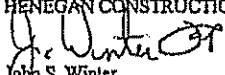
Cost Breakdown

<u>CSI #</u>	<u>Trade</u>	<u>Subcontractor</u>	<u>Cost</u>
16001	Electrical	Campbell & Dawes Ltd.	\$2,255.00
01001	General Conditions (5%)		112.75
01001	CM Overlme	Henegan Construction Co., Inc	951.68
98001	Fee (2.5%)		82.99
17001	Insurance (1.25%)		42.53
	TOTAL		\$3,444.95

Work Not Included

- Building department filing and fees
- Elevator, hoisting engineering and building charges
- Sales Tax
- Asbestos removal and all related work
- Trades not listed above.

Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC.

John S. Winter
Project Director

Accepted _____ Date _____

Cc: Eric Johnson (CBRE), Mike Benedetti (CBRE), Keith Frerichs (H.C.C.), R. Press (H.C.C.)

F:\132010148\Change Order\00050005.doc

250 WEST 30TH STREET NEW YORK, NEW YORK 10001 212 647-6441 FAX: 212 643-1053

Page 1 of 1

CONDITIONAL FINAL WAIVER AND RELEASE OF LIEN

HCC Project # 280148

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

Block ____
Lot ____

TO WHOM IT MAY CONCERN:

The undersigned general contractor has been employed by Lehman Brothers, Inc. (Leasehold Tenant) to furnish labor and material at the premises known as 1271 Ave. of the Americas (Day 2 Work) New York NYC, of which The Rockefeller Development Group, is the Owner.

The undersigned, for and in consideration of sums previously received in the amount of FOUR THOUSAND FIVE HUNDRED EIGHTY ONE DOLLARS AND 58/100 (\$ 4,581.58), and contingent upon the receipt of FORTY ONE THOUSAND SEVEN HUNDRED FIFTY SEVEN DOLLAR AND 73/100 (\$41,757.73) being the full and Final Payment amount due, and other good and valuable consideration, which together represent the total value of work completed and installed, hereby waives and releases any and all liens, or claims of or rights to liens, under the laws of the State of New York relating to mechanic's liens, with respect to and on the above-described premises and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due on account of labor, services, material, fixtures, apparatus or machinery, furnished by the undersigned for the above-described project.

The undersigned further represents and warrants that s/he is duly authorized and empowered to sign and execute this waiver and release on his/her own behalf and on behalf of the company or business for which s/he is signing; that it has properly performed all work and furnished all the materials of the specified quality in accordance with the contract documents in a good and workmanlike manner, fully and completely; that it has paid for, or will pay for when Final Payment is received, all labor, materials, equipment and services that it has used or supplied or may hereafter use or supply to the above-described premises; that it has no other outstanding and unpaid payment applications, invoices, retention's, holdbacks, expenses employed in the prosecution of work, chargebacks or unbilled work or materials against the Owner and/or the Leasehold Tenant; and that any materials which have been supplied or incorporated into the above premises were either taken from its fully paid or open stock or were fully paid for and supplied as stated on the final invoice.

The undersigned further agrees to defend, indemnify and hold harmless the Owner for any losses or expenses, should any such claim, lien or right to a lien be asserted by any of the undersigned's laborers, materialmen or subcontractors.

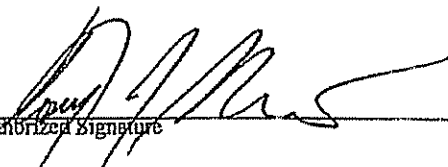
The undersigned further waives, releases and relinquishes any and all claims, rights or causes of action in equity or law whatsoever arising out of, through or under the above-mentioned project and the performance of work pursuant thereto.

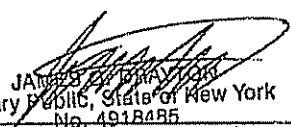
IN WITNESS WHEREOF, the undersigned general contractor has caused this instrument to be signed by its officer thereunto duly authorized this 15th day of September 2008

HENEGAN CONSTRUCTION CO., INC

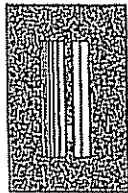
Sworn to before me this 15 day
of September 2008

By:


Authorized Signature


Notary Public, State of New York
No. 4918485
Notary Public, State of New York County
Commission Expires February 1, 2010

Tony Slevira/VP Accounting
Name & Title



HENEGAN
CONSTRUCTION CO., INC.

August 4, 2008

Invoice #: 048149

To: Image Processing Systems
C/O Lehman Brothers-CRE
PO BOX 2236
Secaucus, NJ 07096

Re: Lehman Brothers
1271 Avenue of the Americas
3rd Floor Demolition
H.C.C. # 270461

Attn: Mr. Colin Bowen

Requisition No. 2

BASE CONTRACT AMOUNT	\$ 468,525.17
CHANGE ORDERS TO DATE	\$ <u>56,993.22</u>
ADJUSTED CONTRACT SUM	\$ <u>525,518.39</u>
COMPLETED TO DATE	\$ 525,518.39
LESS RETAINAGE	\$ 0.00
TOTAL EARNED LESS RETAINAGE	\$ <u>525,518.39</u>
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ <u>508,637.48</u>
TOTAL AMOUNT DUE THIS REQUEST	\$ <u><u>16,880.91</u></u>

cc: Eric Johnson
CB Richard Ellis
140 Broadway-8th Floor
New York, New York 10005

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT C702 (Instructions on reverse side) PAGE ONE OF TWO PAGES

TO OWNER: Image Processing Systems
C/O Lehman Brothers-CRE
PO BOX 2236
Secaucus, NJ 07096
Attn: Colin Bowen

PROJECT: Lehman Brothers
1271 Ave. of the Americas, NYC
3rd Floor Demolition
HCC #270461

FROM GENERAL CONTRACTOR: Henegan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA ARCHITECT: Gensler & Associates
1230 Ave. of the Americas
New York, NY 10020

CONTRACT FOR: 3rd Floor Demolition

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract, Continuation Sheet, AIA Document C703, is attached.

1. ORIGINAL CONTRACT SUM \$ 468,525.17
2. Net change by Change Orders \$ 56,993.22
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 525,518.39
4. TOTAL COMPLETED & STORED TO DATE \$ 525,518.39
5. RETAINAGE:

- b. % of Stored Material \$ 0.00
(Column F on C703)
Total Retainage (Line 5a + 5b or
Total in Column I of C703) \$ 0.00
6. TOTAL EARNED LESS RETAINAGE \$ 525,518.39
(Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 508,637.48
(Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE \$ 16,880.91
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0.00
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	40,112.31	
Total approved this month	16,880.91	
TOTALS	56,993.22	
NET CHANGES by Change Order		


AIA DOCUMENT C702 APPLICATION AND CERTIFICATE FOR PAYMENT - 1992 EDITION - AIA © - © 1992 - THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5729


APPLICATION NO.: 2
PERIOD TO: July 30, 2008
PROJECT NOS.:
DISTRIBUTION TO:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

CONTRACT DATE

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR: HENEGAN CONSTRUCTION CO., INC

By:  VP Accounting Date: 8/1/08
State of: New York
County of: New York
Subscribed and sworn before
me this day of

Notary Public
My Commission expires

Notary Public, State of New York
No. 4818485
Qualified in Nassau County
Commission Expires February 1, 2012

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

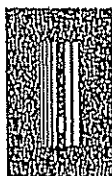
Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.

ARCHITECT: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without

C702-1992

APPLICATION # 2
H.C.C. JOB: 270467
7/30/2008



HENEGAN
CONSTRUCTION CO., INC.

June 30, 2008

Ms. Patricia Begley
Lehman Brothers
1301 Avenue of the Americas, 9th Floor
New York, NY 10019

Re: Lehman Brothers
1271 Avenue of the Americas
HCC # 270461
3rd Floor
Change Order # 0004

Dear Ms. Begley:

We herewith submit our change order to perform additional work at the above referenced location, as outlined below, for the sum of: **SIXTEEN THOUSAND EIGHT HUNDRED EIGHTY DOLLARS AND 91/100, (\$16,880.91).**

Scope of Work

Provide electrical standby and power hookups/ disconnects for the 3rd Floor abatement.

Cost Breakdown

<u>CSI #</u>	<u>Trade</u>	<u>Subcontractor</u>	<u>Cost</u>
16001	Electrical	Campbell & Dawes Ltd	\$8,995.00
01001	General Conditions (5%)		449.75
01001	CM Overtime	Henegan Construction Co., Inc	6,821.10
98001	Fee (2.5%)		406.65
17001	Insurance (1.25%)		208.41
	TOTAL		\$16,880.91

Work Not Included

- Building department filing and fees
- Elevator, hoisting engineering and building charges.
- Sales Tax
- Asbestos removal and all related work.
- Trades not listed above.


Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC

John S. Winter
Project Director

Accepted

By:  7/15/08
Cc: Eric Johnson (CBRE), Mike Benedetti (CBRE), Keith Frerichs (H.C.C.), R. Press (H.C.C.)

 7/15/08

CONDITIONAL FINAL WAIVER AND RELEASE OF LIEN

HCC Project # 270461

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

Block ____
Lot ____

TO WHOM IT MAY CONCERN:

The undersigned general contractor has been employed by Lehman Brothers, Inc. (Leasehold Tenant) to furnish labor and material at the premises known as 1271 Ave. of the Americas (3rd Floor Demolition) New York, NY of which The Rockefeller Development, is the Owner.

The undersigned, for and in consideration of sums previously received in the amount of FIVE HUNDRED EIGHT THOUSAND SIX HUNDRED THIRTY SEVEN DOLLAR AND 48/100 (\$508,637.48) and contingent upon the receipt of SIXTEEN THOUSAND EIGHT HUNDRED EIGHTY DOLLAR AND 91/100 (\$16,880.91), being the full and Final Payment amount due, and other good and valuable consideration, which together represent the total value of work completed and installed, hereby waives and releases any and all liens, or claims of or rights to liens, under the laws of the State of New York relating to mechanic's liens, with respect to and on the above-described premises and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due on account of labor, services, material, fixtures, apparatus or machinery, furnished by the undersigned for the above-described project.

The undersigned further represents and warrants that s/he is duly authorized and empowered to sign and execute this waiver and release on his/her own behalf and on behalf of the company or business for which s/he is signing; that it has properly performed all work and furnished all the materials of the specified quality in accordance with the contract documents in a good and workmanlike manner, fully and completely; that it has paid for, or will pay for when Final Payment is received, all labor, materials, equipment and services that it has used or supplied or may hereafter use or supply to the above-described premises; that it has no other outstanding and unpaid payment applications, invoices, retention's, holdbacks, expenses employed in the prosecution of work, chargebacks or unbilled work or materials against the Owner and/or the Leasehold Tenant; and that any materials which have been supplied or incorporated into the above premises were either taken from its fully paid or open stock or were fully paid for and supplied as stated on the final invoice

The undersigned further agrees to defend, indemnify and hold harmless the Owner for any losses or expenses, should any such claim, lien or right to a lien be asserted by any of the undersigned's laborers, materialmen or subcontractors.


The undersigned further waives, releases and relinquishes any and all claims, rights or causes of action in equity or law whatsoever arising out of, through or under the above-mentioned project and the performance of work pursuant thereto

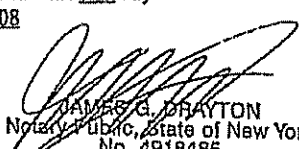
IN WITNESS WHEREOF, the undersigned general contractor has caused this instrument to be signed by its officer thereunto duly authorized this 5 day of August 2008

HENEGAN CONSTRUCTION CO., INC

Sworn to before me this 5 day
of August 2008

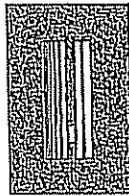
By:


Authorized Signature


JAMES G. DRAYTON
Notary Public, State of New York
No. 4918486

Notary Public, State of New York
Qualified in Nassau County
Commission Expires February 1, 2010

Tony Slevira/V.P. Accounting
Name & Title



HENEGAN
CONSTRUCTION CO., INC.

August 20, 2008

Invoice #: 048164

To: Image Processing Systems
C/O Lehman Brothers-CRE
PO BOX 2236
Secaucus, NJ 07096

Re: Lehman Brothers Inc.,
1271 Avenue of the Americas
Day 2 Work
H.C.C. # 280148
Proposal#1

Attn: Mr. Colin Bowen

Requisition No. 2

BASE CONTRACT AMOUNT	\$ 4,581.58
CHANGE ORDERS TO DATE	\$ <u>18,147.69</u>
ADJUSTED CONTRACT SUM	\$ <u>22,729.27</u>
COMPLETED TO DATE	\$ 22,729.27
LESS RETAINAGE	\$ 0.00
TOTAL EARNED LESS RETAINAGE	\$ <u>22,729.27</u>
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ <u>4,581.58</u>
TOTAL AMOUNT DUE THIS REQUEST	\$ <u><u>18,147.69</u></u>

cc: Eric Johnson
CB Richard Ellis
140 Broadway-8th Floor
New York, New York 10005

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE ONE OF TWO PAGES

TO OWNER: Lehman Brothers Inc.,
1301 Avenue of the Americas
New York, N.Y. 10019
Attn: Collin Bowen

PROJECT: Lehman Brothers
1271 Ave. of the Americas, NYC
Day 2 Work-Proposal #1
HCC #280148

FROM GENERAL CONTRACTOR: Heneghan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA (ARCHITECT): Gensler & Associates
1230 Ave. of the Americas
New York, NY 10020

APPLICATION NO.: 2
PERIOD TO: August 20, 2008
PROJECT NOS.:
CONTRACT DATE:
DISTRIBUTION TO:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

CONTRACT FOR: Day 2 Work

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR'S APPLICATION FOR PAYMENT
Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$ 4,581.58
2. Net change by Change Orders \$ 18,147.69
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 22,729.27
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 22,729.27
5. RETAINAGE:
b. 0 % of Stored Material \$ 0.00
(Column F on G703)
Total Retainage (Line 5a + 5b or Total in Column I of G703) \$ 0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) \$ 22,729.27
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 4,581.58
8. CURRENT PAYMENT DUE \$ 18,147.69
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 0.00 Add'l Cos to follow

CONTRACTOR: HENEGHAN CONSTRUCTION CO., INC.
By: [Signature] V.P. Accounting Date: 10/20/08
State of: New York
County of New York
Subscribed and sworn before me this day of
Notary Public
My Commission expires:
[Signature] Notary Public, State of New York
No. 4918485
Qualified in Nassau County
Commission Expires February 1, 2010

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation If amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: _____ Date: _____

THIS Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without

CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

AIA DOCUMENT G703 (Instructions on reverse side)

PAGE 2 OF 2 PAGES

1

APPLICATION NUMBER:

August 20, 2008

APPLICATION DATE:

June 10, 2008

PERIOD FROM:

August 20, 2008

PERIOD TO:

Use Column I on Contracts where variable retainage for line items may apply.

A. ITEM NO.	B. DESCRIPTION OF WORK Day 2 Work	C. SCHEDULED VALUE	D. WORK COMPLETED		E. LABOR THIS PERIOD	F. MATERIALS PRESENTLY STORED (NOT IN STORE)	G. TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H. % (G+C)	I. BALANCE TO FINISH (C-G)	J. RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
	ACOUSTICAL CEILINGS	1,010.73	1,010.73	0.00	0.00	0.00	1,010.73	100%	0.00	0.00
	VCT, BASE & CARPET	953.70	953.70	0.00	0.00	0.00	953.70	100%	0.00	0.00
	ELECTRICAL	2,240.00	2,240.00	0.00	0.00	0.00	2,240.00	100%	0.00	0.00
	SUBTOTAL	4,204.43	4,204.43	0.00	0.00	0.00	4,204.43	100%	0.00	0.00
	General Conditions- 5.0%	210.22	210.22	0.00	0.00	0.00	210.22	100%	0.00	0.00
	SUBTOTAL	4,414.65	4,414.65	0.00	0.00	0.00	4,414.65	100%	0.00	0.00
	Labor/Overtime	0.00	0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00
	SUBTOTAL	4,414.65	4,414.65	0.00	0.00	0.00	4,414.65	100%	0.00	0.00
	Fee- 2.5%	110.37	110.37	0.00	0.00	0.00	110.37	100%	0.00	0.00
	SUBTOTAL	4,525.02	4,525.02	0.00	0.00	0.00	4,525.02	100%	0.00	0.00
	Insurance-1.25%	56.56	56.56	0.00	0.00	0.00	56.56	100%	0.00	0.00
	SUBTOTAL	4,581.58	4,581.58	0.00	0.00	0.00	4,581.58	100%	0.00	0.00
	TOTAL-BASE CONTRACT									
	CHANGE ORDERS									
	C.O.#006	13,827.64	0.00	0.00	13,827.64	0.00	13,827.64	100%	0.00	0.00
	C.O.#007	4,320.05	0.00	0.00	4,320.05	0.00	4,320.05	100%	0.00	0.00
	TOTAL-CHANGE ORDERS	18,147.69	0.00	0.00	18,147.69	0.00	18,147.69	100%	0.00	0.00
	PROJECT TOTAL	22,729.27	4,581.58	18,147.69		0.00	22,729.27	100%	0.00	0.00

AIA DOCUMENT • APPLICATION AND CERTIFICATE FOR PAYMENT • MAY 1993 EDITION • AIA® • © 1993
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006

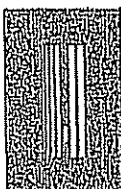
G703 - 1993

PROJECT:
LEHMAN BROTHERS
1271 Ave. of Americas
Day 2 Work

HENEGAN CONSTRUCTION CO., INC.
TRADE SUMMARY

APPLICATION # 2
H.C.C. JOB : 280140
8/20/2009

TRADE	SCHEDULED VALUE	CHANGE ORDER	REMOVED CONTRACT	REMOVED APPLICATIONS	REMOVED INVENTORY	CIP INVENTORY	TOTAL COMPLETED	% CMT	WARRANTY TO DATE	LESS PERMITS	LESS CREDIT	LESS REMAINING	TOTAL REMAINING	ATTENDING
DRYWALL & CARPENTRY	0.00	1,809.55	1,809.55	0.00	0.00	1,809.55	1,809.55	100%	0.00	0.00	0.00	0.00	0.00	1,809.55
ACQUSTICAL CEILINGS	1,010.23	0.00	1,010.23	1,010.23	0.00	0.00	1,010.23	100%	0.00	0.00	0.00	0.00	0.00	0.00
VCT, BASE & CARPET	953.70	0.00	953.70	953.70	0.00	0.00	953.70	100%	0.00	0.00	0.00	0.00	0.00	953.70
PAINTING & WALLCOVERING	0.00	476.00	476.00	0.00	0.00	476.00	476.00	100%	0.00	0.00	0.00	0.00	0.00	476.00
ELECTRICAL	2,240.00	9,003.00	11,243.00	2,240.00	0.00	9,003.00	11,243.00	100%	0.00	0.00	0.00	0.00	0.00	9,003.00
TOTAL SUBCONTRACTORS	4,204.43	11,290.55	15,495.38	4,204.43	0.00	11,290.55	15,495.38	100%	0.00	0.00	0.00	0.00	0.00	11,290.55
General Conditions	210.22	564.55	774.77	210.22	0.00	564.55	774.77	100%	0.00	0.00	0.00	0.00	0.00	564.55
LABOR/OT	0.00	5,630.98	5,630.98	0.00	0.00	5,630.98	5,630.98	0%	0.00	0.00	0.00	0.00	0.00	5,630.98
Insurance	110.37	437.17	547.54	110.37	0.00	437.17	547.54	100%	0.00	0.00	0.00	0.00	0.00	437.17
TOTAL HCC	56.56	224.04	280.60	56.56	0.00	224.04	280.60	100%	0.00	0.00	0.00	0.00	0.00	224.04
TOTAL HCC	377.15	6,856.74	7,233.89	377.15	0.00	6,856.74	7,233.89	100%	0.00	0.00	0.00	0.00	0.00	6,856.74
TOTAL CONTRACT	4,581.58	18,147.69	22,729.27	4,581.58	0.00	18,147.69	22,729.27	100%	0.00	0.00	0.00	0.00	0.00	18,147.69



HENEGAN
CONSTRUCTION CO., INC.

July 11, 2008

Mrs. Cecilia Butler-McLaughlin
Lehman Brothers
1301 Avenue of the Americas, 9th Floor
New York, NY 10019

Re: Lehman Brothers
1271 Avenue of the Americas
HCC # 280148
Day 2 Work
Change Order # 0006

Dear Mrs. Butler-McLaughlin:

We herewith submit our change order to perform additional work at the above referenced location, as outlined below, for the sum of: **THIRTEEN THOUSAND EIGHT HUNDRED TWENTY SEVEN AND 64/100 DOLLARS, (\$13,827.64).**

Scope of Work

Furnish labor and materials required to convert 38th Floor NW Conference Room into MD Office including an electrical poke thru, removal of flatscreen TV, relocation of power and subsequent patching. All alterations based on direction from Mrs. Butler-McLaughlin of Lehman Brothers in the attached e-mail dated 7/01/08. This alteration has been classified as Day-2 work.

Cost Breakdown

<u>CSI #</u>	<u>Trade</u>	<u>Subcontractor</u>	<u>Cost</u>
09250	Drywall & Carpentry	JP Phillips Inc.	\$1,809.95
09900	Painting & Wallcovering	Murray Hill Painting Co., Inc.	476.00
16001	Electrical	Campbell & Dawes Ltd.	6,040.00
01001	General Conditions (5%)		416.30
01001	CM Overtime	Henegan Construction Co., Inc.	4,581.58
98001	Fee (2.5%)		333.10
17001	Insurance (1.25%)		170.71
	TOTAL		\$13,827.64

Work Not Included

- Building department filing and fees
- Elevator, hoisting engineering and building charges
- Sales Tax
- Asbestos removal and all related work.
- Trades not listed above.

Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC.

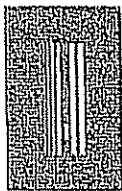
John B. Winter
Project Director

Accepted _____ Date _____

Cc: Eric Johnson (CBRE), Mike Benedetti (CBRE), Keith Frerichs (H.C.C.), R. Press (H.C.C.)

F:\JTB\2008\Change Order\00000006.doc

260 WEST 30TH STREET NEW YORK, NEW YORK 10001 212-647-0441 FAX: 212-643-1053



HENEGAN
CONSTRUCTION CO., INC.

July 15, 2008

Ms. Jenny Cottingham
Lohman Brothers
1301 Avenue of the Americas, 9th Floor
New York, NY 10019

Re: Lohman Brothers
1271 Avenue of the Americas
HCC #280146
Day 2 Work
Change Order #10007

Dear Ms. Cottingham:

We herewith submit our change order to perform additional work at the above referenced location, as outlined below, for the sum of **FOUR THOUSAND THREE HUNDRED TWENTY AND 05/100 DOLLARS (\$4,320.05).**

Scope of Work

Furnish labor and materials required to convert 46th Floor MD Office into three (3) person office, including relocating power from a floor box to the East wall, capping the floor box and carpet patch. All responsibilities based on direction from Ms. Cottingham of Lohman Brothers in the attached e-mail dated 7/15/08. This installation has been classified as Day-2 work.

Cost Breakdown

CSI #	Trade
16001	Electrical
01001	General Conditions (5%)
01001	CM Overhead
98001	Fees (2.5%)
17001	Insurance (1.25%)
	TOTAL

Subcontractor	Cost
Campbell & Dawes Ltd	\$2,065.00
	188.25
Henegan Construction Co., Inc	1,049.40
	104.07
	<u>53.33</u>
	\$4,320.05

Work Not Included

- Building department filing and fees
- Elevator, hoisting engineering and building charges
- Sales Tax
- Asbestos removal and all related work.
- Trades not listed above.

Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC.

John S. Winter
John S. Winter
Project Director

Accepted: _____ Date: _____

For Keith Frerichs (H.C.C.), R. Pires (H.C.C.)

260 WEST 30TH STREET NEW YORK, NEW YORK 10001 212-477-6431 FAX 212-692-1033

FAX 212-692-1033

CONDITIONAL PARTIAL WAIVER AND RELEASE OF LIEN

Req. # 02
HCC Project # 280148
Block _____
Lot _____

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

TO WHOM IT MAY CONCERN:

The undersigned general contractor has been employed by Lehman Brothers Inc., (Leasehold Tenant) to furnish labor and material at the premises known as 1271 Avenue of the Americas (Day 2 Work), NYC of which The Rockefeller Development Group, is the Owner.


The undersigned, for and in consideration of sums previously received in the amount of FOUR THOUSAND FIVE HUNDRED EIGHTY ONE DOLLAR AND 58/100 (\$4,581.58) the receipt whereof is hereby acknowledged and contingent upon the receipt of EIGHTEEN THOUSAND ONE HUNDRED FORTY SEVEN DOLLAR AND 69/100 (\$18,147.69), for the total value, less retainage, of work completed and installed to date, hereby waives and releases any and all liens or rights of lien now existing under the laws of the State of New York relating to mechanic's liens, with respect to and on said above-described premises and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due from the Owner and/or the Leasehold Tenant on account of labor, services, material, fixtures, apparatus or machinery furnished through the 20th day of August 2008, by the undersigned for the above described premises.

IN WITNESS WHEREOF, the undersigned general contractor has caused this instrument to be signed by its officer thereunto duly authorized this 12th day of August 2008.

HENEGAN CONSTRUCTION CO., INC.

Sworn to before me this 12 day
of August 2008

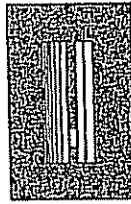
By:


Authorized signature


Notary Public, State of New York

JAMES G. DRAYTON
Notary Public, State of New York
No. 4918485
Qualified in Nassau County
Commission Expires February 1, 2010

Tony Slevira/VP Accounting
Print name & title



HENEGAN
CONSTRUCTION CO., INC.

September 16, 2008

Invoice #: 048210

To: Lehman Brothers Inc.,
1301 Avenue of the Americas-9th Floor
New York, New York 10019

Re: Lehman Brothers Inc.,
1271 Avenue of the Americas
Vacant Space
H.C.C. # 260377-S

Attn: Mr. Colin Bowen

Requisition No. 2

BASE CONTRACT AMOUNT	\$ 482,080.73
CHANGE ORDERS TO DATE	\$ <u>106,449.83</u>
ADJUSTED CONTRACT SUM	\$ <u>588,530.56</u>
COMPLETED TO DATE	\$ 588,530.56
LESS RETAINAGE	\$ <u>0.00</u>
TOTAL EARNED LESS RETAINAGE	\$ 588,530.56
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ <u>376,340.47</u>
TOTAL AMOUNT DUE THIS REQUEST	\$ <u><u>212,190.09</u></u>

cc: Eric Johnson
CB Richard Ellis
140 Broadway-8th Floor
New York, New York 10005

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE ONE OF TWO PAGES

TO OWNER: Lehman Brothers Inc.,
1301 Avenue of the Americas
New York, N.Y. 10019
Attn: Colin Bowen

PROJECT: Lehman Brothers
1271 Ave. of the Americas, NYC
Vacant Space
HCC #26037-5

APPLICATION NO.: 2
PERIOD TO: September 18, 2008
PROJECT NOS.:

FROM GENERAL CONTRACTOR: Henegan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA (ARCHITECT): Gensler & Associates

CONTRACT DATE:

Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

CONTRACT FOR: Vacant Space

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$ 482,080.73
2. Net change by Change Orders	\$ 106,449.83
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 588,530.56
4. TOTAL COMPLETED & STORED TO DATE	\$ 588,530.56
5. RETAINAGE	
a. 0 % of Stored Material	\$ 0.00
b. (Column F on G703)	
Total Retainage (Line 5a + 5b or	\$ 0.00
Total in Column I of G703)	\$ 588,530.56
6. TOTAL EARNED LESS RETAINAGE	\$ 588,530.56
Line 4 less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 376,340.47
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$ 212,190.09
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$ 0.00
(Line 3 less Line 6)	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in	0.00	
previous months by Owner	106,449.83	
Total approved this month	106,449.83	
TOTALS	106,449.83	
NET CHARGES by Change Order		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR: HENEGAN CONSTRUCTION CO., INC.

By: [Signature] VP, Accounting Date: 9/16/08

State of: New York
County of New York
Subscribed and sworn before
me this 16 day of September
Notary Public, State of New York
No. 4918485
Qualified in Nassau County
Commission Expires February 1, 2010

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without

PROJECT: LEHMAN BROTHERS
1271 Ave. of Americas
Vacant Space

HENEGAN CONSTRUCTION CO., INC.
TRADE SUMMARY

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT	PERCENT	CURRENT	IN PLACE	CO	TOTAL	%	BALANCE	LESS	LIST	ADD RELATION	TOTAL	NET DUE THIS
CONCRETE/MASS/RYER/ROOFING	Formed Construction	16,000.00		3,901.00	16,500.00	100.00%	4,000.00	3,901.00	16,400.00	19,501.00	100.00%	0.00	1,200.00	0.00	0.00	0.00	9,301.00
STRUCTURAL STEEL	Formed Iron Work	0.00		18,430.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
CERAMIC TILE & STONE	Formed Tile	0.00		0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
OFFICE PARTITION	Formed Partition	47,000.00		0.00	47,000.00	100.00%	0.00	0.00	0.00	47,000.00	100.00%	0.00	3,525.00	0.00	0.00	0.00	15,275.00
DRYWALL/CARPENTRY	Formed Construction	37,000.00		14,095.70	51,695.70	95.77%	27,750.00	7,000.00	14,095.70	48,575.70	95.77%	3,600.00	2,775.00	0.00	2,775.00	0.00	23,000.70
ACUSTICAL CEILINGS	Formed Construction	36,000.00		0.00	36,000.00	100.00%	5,400.00	0.00	0.00	32,600.00	90.00%	0.00	2,700.00	0.00	0.00	0.00	8,100.00
WCT, BASE & CARPET	Formed Carpet Trade	15,000.00		0.00	15,000.00	100.00%	11,250.00	0.00	0.00	9,500.00	30.00%	15,500.00	1,075.00	0.00	1,075.00	0.00	7,375.00
PAINTING & WALLCOVERING	Formed Painting	25,000.00		0.00	25,000.00	100.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS SPECIALTIES	Formed Painting	0.00		0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
BLINDS	Formed Painting	5,500.00		0.00	5,500.00	100.00%	4,125.00	0.00	0.00	17,200.00	85.00%	5,500.00	413.00	0.00	413.00	0.00	13,712.00
SPRINKLERS	Formed Fire Protection	20,000.00		0.00	20,000.00	100.00%	2,200.00	0.00	0.00	0.00	0.00%	2,800.00	1,500.00	0.00	1,500.00	0.00	3,290.00
PLUMBING	Formed Plumbing & Heating	35,790.00		0.00	35,790.00	100.00%	0.00	35,790.00	0.00	35,790.00	100.00%	0.00	0.00	0.00	0.00	0.00	35,790.00
HVAC	Formed Air Conditioning	91,105.00		16,006.75	107,111.75	97.44%	60,995.79	16,006.75	16,006.75	101,545.73	97.44%	2,736.00	6,840.00	0.00	6,840.00	0.00	42,989.95
ELECTRICAL	Formed Electrical	219,932.00		8,298.50	228,230.50	90.44%	37,843.50	8,298.50	8,298.50	205,333.50	90.44%	21,895.00	16,431.00	0.00	16,431.00	0.00	57,561.00
LIGHTING	Formed Lighting	1,084.54		0.00	1,084.54	100.00%	0.00	0.00	1,084.54	1,084.54	100.00%	0.00	0.00	0.00	0.00	0.00	1,084.54
Close out	Formed Close out	59,501.00		0.00	59,501.00	100.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL SUBCONTRACTORS		452,145.00		57,556.59	509,701.59	91.23%	301,734.39	59,561.71	57,556.59	540,022.99	91.23%	9,750.00	38,374.00	0.00	38,374.00	0.00	194,722.99
General Condition	Formed General Condition	22,119.50		4,894.36	27,013.86	100.00%	2,933.09	4,894.36	4,894.36	27,013.86	100.00%	0.00	1,919.00	0.00	1,919.00	0.00	9,736.45
Asbestos	Formed Asbestos	0.00		0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00	0.00	0.00
Asbestos	Formed Asbestos	11,612.00		2,554.20	14,166.20	100.00%	1,539.86	2,554.20	2,554.20	14,166.20	100.00%	0.00	1,007.00	0.00	1,007.00	0.00	5,111.25
Asbestos	Formed Asbestos	5,937.00		1,314.19	7,251.19	100.00%	789.60	1,314.19	1,314.19	7,251.19	100.00%	0.00	516.00	0.00	516.00	0.00	2,619.19
Asbestos	Formed Asbestos	39,684.73		8,722.84	48,407.57	100.00%	5,382.55	8,722.84	8,722.84	48,407.57	100.00%	0.00	3,442.00	0.00	3,442.00	0.00	17,467.57
TOTAL HCC		491,830.73		106,448.83	598,279.56	91.44%	61,974.36	106,448.83	106,448.83	588,505.53	91.44%	9,750.00	47,816.00	0.00	47,816.00	0.00	212,190.09
TOTAL CONTRACT							170,374.09										

APPLICATION # 2
H.C.C. JOB: 256977-5
9/16/2008

CONDITIONAL FINAL WAIVER AND RELEASE OF LIEN

HCC Project # 260377S

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

Block ____
Lot ____

TO WHOM IT MAY CONCERN:

The undersigned general contractor has been employed by Lehman Brothers (Leasehold Tenant) to furnish labor and material at the premises known as 1271 Ave. of the Americas (Vacant Space) New York NYC, of which The Rockefeller Development is the Owner.

The undersigned, for and in consideration of sums previously received in the amount of THREE HUNDRED SEVENTY SIX THOUSAND THREE HUNDRED FORTY DOLLAR AND 47/100 (\$376,340.47), and contingent upon the receipt of TWO HUNDRED TWELVE THOUSAND ONE HUNDRED NINETY DOLLAR AND 09/100 (\$212,190.09), being the full and Final Payment amount due, and other good and valuable consideration, which together represent the total value of work completed and installed, hereby waives and releases any and all liens, or claims of or rights to liens, under the laws of the State of New York relating to mechanic's liens, with respect to and on the above-described premises and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due on account of labor, services, material, fixtures, apparatus or machinery, furnished by the undersigned for the above-described project.

The undersigned further represents and warrants that s/he is duly authorized and empowered to sign and execute this waiver and release on his/her own behalf and on behalf of the company or business for which s/he is signing; that it has properly performed all work and furnished all the materials of the specified quality in accordance with the contract documents in a good and workmanlike manner, fully and completely; that it has paid for, or will pay for when Final Payment is received, all labor, materials, equipment and services that it has used or supplied or may hereafter use or supply to the above-described premises; that it has no other outstanding and unpaid payment applications, invoices, retention's, holdbacks, expenses employed in the prosecution of work, chargebacks or unbilled work or materials against the Owner and/or the Leasehold Tenant; and that any materials which have been supplied or incorporated into the above premises were either taken from its fully paid or open stock or were fully paid for and supplied as stated on the final invoice.

The undersigned further agrees to defend, indemnify and hold harmless the Owner for any losses or expenses, should any such claim, lien or right to a lien be asserted by any of the undersigned's laborers, materialmen or subcontractors.

The undersigned further waives, releases and relinquishes any and all claims, rights or causes of action in equity or law whatsoever arising out of, through or under the above-mentioned project and the performance of work pursuant thereto.


IN WITNESS WHEREOF, the undersigned general contractor has caused this instrument to be signed by its officer thereunto duly authorized this 16th day of September 2008

HENEGAN CONSTRUCTION CO., INC

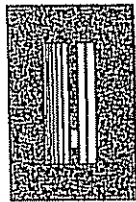
Sworn to before me this 16 day
of September 2008

By:


Authorized Signature


JAMES S. DONATELLI
Notary Public, State of New York
No. 4918485
Notary Public, State of New York
Commission Expires February 1, 2010

Tony Slevira/VP Accounting
Name & Title



HENEGAN
CONSTRUCTION CO., INC.

September 15, 2008

Invoice #: 048209

To: Image Processing Systems
C/O Lehman Brothers-CRE
PO BOX 2236
Secaucus, NJ 07096

Re: Lehman Brothers Inc.,
1301 Ave. of the Americas
9th Floor MD Office
H.C.C. # 280256

Attn: Mr. Colin Bowen

Requisition No. 1

BASE CONTRACT AMOUNT	\$	41,438.83
CHANGE ORDERS TO DATE	\$	<u>0.00</u>
ADJUSTED CONTRACT SUM	\$	<u>41,438.83</u>
COMPLETED TO DATE	\$	41,438.83
LESS RETAINAGE	\$	<u>0.00</u>
TOTAL EARNED LESS RETAINAGE	\$	41,438.83
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$	<u>0.00</u>
TOTAL AMOUNT DUE THIS REQUEST	\$	<u><u>41,438.83</u></u>

PAGE ONE OF TWO PAGES

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side)

TO OWNER: Lehman Brothers Inc.,
1301 Avenue of the Americas
New York, N.Y. 10019
Attn: Colin Bowen

PROJECT: Lehman Brothers
1301 Ave. of the Americas
9th Floor Option 1
HCC #2844227

FROM GENERAL CONTRACTOR: Henegan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA ARCHITECT: 280256

APPLICATION NO.: 1
PERIOD TO: September 10, 2008
PROJECT NOS.:
CONTRACT DATE:
DISTRIBUTION TO:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

CONTRACT FOR:

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$ 41,438.83
2. Net change by Change Orders \$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 41,438.83
4. TOTAL COMPLETED & STORED TO DATE \$ 41,438.83
5. RETAINAGE:
a. 0 % of Stored Material \$ 0.00
(Column F on G703)
Total Retainage (Line 5a + 5b or Total in Column I of G703) \$ 0.00
6. TOTAL EARNED LESS RETAINAGE \$ 41,438.83
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 0.00
(Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE \$ 41,438.83
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0.00
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	
Total approved this month	0.00	
TOTALS	0.00	
NET CHANGES by Change Order		

CONTRACTOR: HENEGAN CONSTRUCTION CO., INC.

By: *[Signature]* V.P. Accounting Date: 9/10/08

State of: New York
County of: New York

Subscribed and sworn before me this 11th day of September 2008

MARY E. RAFTERY
NOTARY PUBLIC, State of New York
No. 01844695623
Qualified in Nassau County
Commission Expires February 28, 2012

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without

G702-1992

CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

PAGE 2 OF 2 PAGES

1

(Instructions on reverse side)

APPLICATION NUMBER:

September 11, 2008

APPLICATION DATE:

August 21, 2008

PERIOD FROM:

September 10, 2008

PERIOD TO:

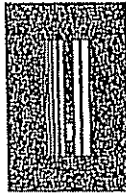
Use Column I on Contracts where variable retainage for line items may apply.

A. ITEM NO.	B. DESCRIPTION OF WORK	C. SCHEDULED VALUE	D. WORK COMPLETED		F. MATERIALS PRESENTLY STORED (NOT IN D OR E)	G. TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H. BALANCE TO FINISH (C-G)	I. RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD Labor				
	DEMOLITION	3,500.00	0.00	3,500.00		3,500.00	0.00	0.00
	DRYWALL & CARPENTRY	7,430.00	0.00	7,430.00		7,430.00	0.00	0.00
	VCT, BASE, & CARPET	1,200.00	0.00	1,200.00		1,200.00	0.00	0.00
	PAINTING & WALLCOVERING	1,300.00	0.00	1,300.00		1,300.00	0.00	0.00
	OFFICE FRONTS	10,267.00	0.00	10,267.00		10,267.00	0.00	0.00
	ELECTRICAL	8,000.00	0.00	8,000.00		8,000.00	0.00	0.00
	PROTECTION	2,500.00	0.00	2,500.00		2,500.00	0.00	0.00
	SUBTOTAL	34,197.00	0.00	34,197.00	0.00	34,197.00	0.00	0.00
	General Conditions- 5%	1,709.85	0.00	1,709.85	0.00	1,709.85	0.00	0.00
	SUBTOTAL	35,906.85	0.00	35,906.85	0.00	35,906.85	0.00	0.00
	Labor/Overtime	4,022.16	0.00	4,022.16	0.00	4,022.16	0.00	0.00
	SUBTOTAL	39,929.01	0.00	39,929.01	0.00	39,929.01	0.00	0.00
	Fee- 2.5%	998.23	0.00	998.23	0.00	998.23	0.00	0.00
	SUBTOTAL	40,927.24	0.00	40,927.24	0.00	40,927.24	0.00	0.00
	Insurance-1.25%	511.59	0.00	511.59	0.00	511.59	0.00	0.00
	TOTAL-BASE CONTRACT	41,438.83	0.00	41,438.83	0.00	41,438.83	0.00	0.00
	TOTAL THIS PAGE	41,438.83	0.00	41,438.83	0.00	41,438.83	0.00	0.00

AIA DOCUMENT - APPLICATION AND CERTIFICATE FOR PAYMENT - MAY 1993 EDITION - AIA® - © 1993
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE N.W., WASHINGTON, D. C. 20006

G702 - 1993

YEAR	SUBCONTRACT	SCHEDULED VALUE	CHANGING COSTS	FIXTURES	MATERIALS IN PLACE	DIFFERENCE	CONTRACTED	COST	TO PERCENT	PERCENTS ADJUSTED	TOTAL
2000	DEMOLITION	3,500.00		0.00	3,500.00			100.0%	0.00	0.00	3,500.00
	ROTE-WAY INTERNAL	3,500.00		0.00	3,500.00			100.0%	0.00	0.00	3,500.00
	CONCRETE	743.00		0.00	743.00			100.0%	0.00	0.00	743.00
	BRICKWORK & CARPENTRY	1,200.00		0.00	1,200.00			100.0%	0.00	0.00	1,200.00
	SHEDS & FARMINGTON	1,000.00		0.00	1,000.00			100.0%	0.00	0.00	1,000.00
	WCT. BASE, & CARPET	1,000.00		0.00	1,000.00			100.0%	0.00	0.00	1,000.00
	PAINTING & WALLCOVERING	1,000.00		0.00	1,000.00			100.0%	0.00	0.00	1,000.00
	HAIRBAY HILL PAINTING	1,000.00		0.00	1,000.00			100.0%	0.00	0.00	1,000.00
	STEREOTYPES	10,000.00		0.00	10,000.00			100.0%	0.00	0.00	10,000.00
	OFFICE FURNITURE	8,000.00		0.00	8,000.00			100.0%	0.00	0.00	8,000.00
2001	ELECTRICAL	2,500.00		0.00	2,500.00			100.0%	0.00	0.00	2,500.00
	CAMPBELL & DAWES	2,500.00		0.00	2,500.00			100.0%	0.00	0.00	2,500.00
	HENEGAN CONSTRUCTION	34,197.00		0.00	34,197.00			100.0%	0.00	0.00	34,197.00
	PROTECTION	34,197.00		0.00	34,197.00			100.0%	0.00	0.00	34,197.00
	TOTAL SUBCONTRACTORS	34,197.00		0.00	34,197.00			100.0%	0.00	0.00	34,197.00
	General Conditions	1,700.00		0.00	1,700.00			100.0%	0.00	0.00	1,700.00
	Insurance	4,000.00		0.00	4,000.00			100.0%	0.00	0.00	4,000.00
	LABOR	900.00		0.00	900.00			100.0%	0.00	0.00	900.00
	FEES	511.59		0.00	511.59			100.0%	0.00	0.00	511.59
	HENEGAN CONSTRUCTION Co., Inc.	7,241.03		0.00	7,241.03			100.0%	0.00	0.00	7,241.03
TOTAL HCC	41,438.53		0.00	41,438.53			100.0%	0.00	0.00	41,438.53	
TOTAL CONTRACT	41,438.53		0.00	41,438.53			100.0%	0.00	0.00	41,438.53	



HENEGAN
CONSTRUCTION CO., INC.

August 21, 2008

Mr. Albert San Filippo
Lehman Brothers
1301 Avenue of the Americas 9th Floor
New York, NY 10019

Re: Lehman Brothers
1301 Ave of Americas
HCC # 280256
9th Floor MD Office

Dear Mr. San Filippo:

We herewith submit our proposal to perform alterations at the above-mentioned location for the sum of: **FORTY ONE THOUSAND FOUR HUNDRED THIRTY EIGHT DOLLARS AND 83/100, (\$41,438.83).**

Scope of Work

Furnish labor and material to perform work at above mentioned location as per Genster Associates and Robert Derector sketches dated 8/18/08, showing creating an MD Office and file niche from two existing VP offices. Work including but not limited to demo of existing wall, new wall, ceiling layout, light fixtures and field alteration of Steelcase fronts. All work scheduled on OT.

Cost Breakdown

<u>CSI #</u>	<u>Trade</u>	<u>Cost</u>
02070	Demolition	\$3,500.00
09250	Drywall/ Carpentry	7,430.00
09650	VCT, Base & Carpet	1,200.00
09900	Painting & Wallcovering	1,300.00
10615	Office Fronts	10,267.00
16001	Electrical	8,000.00
01001	Protection	2,500.00
01001	General Conditions (5%)	1,709.85
01001	CM Overtime	4,022.16
98001	Fee (2.5%)	998.23
17001	Insurance (1.25%)	511.59
	TOTAL	\$41,438.83

Work Not Included

- Building department filing and fees
- Elevator, hoisting engineering and building charges
- Asbestos removal and all related work
- Trades not listed above.

Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC.

Keith D. Frerichs
Asst. Project Manager

Accepted _____ Date _____

FINAL WAIVER AND RELEASE OF LIEN

HCC Project # 280256

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

Block _____
Lot _____

TO WHOM IT MAY CONCERN:

The undersigned general contractor has been employed by Lehman Brothers, Inc. (Leasehold Tenant) to furnish labor and material at the premises known as 1301 Ave. of the Americas (9th Floor MD Office) New York, NY, of which Equity Office Properties Trust is the Owner.

The undersigned, for and in consideration of sums received in the amount of FORTY ONE THOUSAND FOUR HUNDRED THIRTY EIGHT DOLLAR AND 83/100 (\$41,438.83) and other good and valuable consideration, which together represent the total value of work completed and installed, hereby waives and releases any and all liens, or claims of or rights to liens, under the laws of the State of New York relating to mechanic's liens, with respect to and on the above-described premises and the improvements thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due or to become due from the Owner and/or Leasehold Tenant on account of labor, services, material, fixtures, apparatus or machinery, furnished by the undersigned for the above-described project.

The undersigned further represents and warrants that s/he is duly authorized and empowered to sign and execute this waiver and release on his/her own behalf and on behalf of the company or business for which s/he is signing; that it has properly performed all work and furnished all the materials of the specified quality in accordance with the contract documents in a good and workmanlike manner, fully and completely; that it has paid for all labor, materials, equipment and services that it has used or supplied or may hereafter use or supply to the above-described premises; that it has no other outstanding and unpaid payment applications, invoices, retentions, holdbacks, expenses employed in the prosecution of work, chargebacks or unbilled work or materials against the Owner and/or the Leasehold Tenant; and that any materials which have been supplied or incorporated into the above premises were either taken from its fully-paid or open stock or were fully paid for and supplied as stated on the final invoice.

The undersigned further agrees to defend, indemnify and hold harmless the Owner and/or the Leasehold Tenant for any losses or expenses, should any such claim, lien or right to a lien be asserted by any of the undersigned's laborers, materialmen or subcontractors.


The undersigned further waives, releases and relinquishes any and all claims, rights or causes of action in equity or law whatsoever arising out of, through or under the above-mentioned project and the performance of work pursuant thereto.


IN WITNESS WHEREOF, the undersigned general contractor has caused this instrument to be signed by its officer thereunto duly authorized this 11 day of September 2008.

HENEGAN CONSTRUCTION CO., INC.

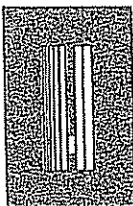
Sworn to before me this 11th day
of September 2008.

By:


Authorized signature


Notary Public, ~~STARBUCKS~~
NOTARY PUBLIC, State of New York
No. 01RA4695623
Qualified in Nassau County
Commission Expires February 28, 20 12

Tony Slevira/V.P. Accounting
Printed name and title



HENEGAN
CONSTRUCTION CO., INC

September 19, 2007

Invoice #: 047535

To: Lehman Brothers Inc.,
c/o VVA Associates
1301 Avenue of the Americas-9th Fl.
New York, NY 10019

Re: Lehman Brothers Inc.,
1301 Ave. of the Americas
3rd Floor-A/V Confe. Room
H.C.C. # 260351

Attn: Ms. Pat Begley

Requisition No. 2

BASE CONTRACT AMOUNT	\$	15,315.52
CHANGE ORDERS TO DATE	\$	<u>4,359.96</u>
ADJUSTED CONTRACT SUM	\$	<u>19,675.48</u>
COMPLETED TO DATE	\$	19,675.48
LESS RETAINAGE	\$	<u>0.00</u>
TOTAL EARNED LESS RETAINAGE	\$	<u>19,675.48</u>
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$	<u>15,315.52</u>
TOTAL AMOUNT DUE THIS REQUEST	\$	<u><u>4,359.96</u></u>

cc: Jenny Cottingham
Lehman Brothers
1301 Ave. of the Americas
New York, New York 10019

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT C702 (Instructions on reverse side)

PAGE ONE OF TWO PAGES

TO OWNER: Lehman Brothers Inc.,
1301 Avenue of the Americas
New York, NY 10019
Attn: Patricia Begley

PROJECT:

Lehman Brothers
1301 Avenue of the Americas
3rd Floor-A/V Conference Room
HCC #260351

FROM CONTRACTOR:

Hanegan Construction Co., Inc.
250 West 30th Street
New York, New York 10001

VIA (ARCHITECT):

Gensler Associates

APPLICATION NO.: 2

Distribution to:

PERIOD TO: September 15, 2007

☐ OWNER

PROJECT NOS.:

☐ ARCHITECT

CONTRACT DATE:

☐ CONTRACTOR

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment as shown below, in connection with the Contract.
Continuation Sheet, AIA Document C703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

CONTRACTOR: HANEGAN CONSTRUCTION CO., INC.

By:

M. Hanegan

V.P. Controller

Date: 9/19/07

1. ORIGINAL CONTRACT SUM \$ 15,315.52
2. Net change by Change Orders \$ 4,359.96
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 19,675.48
4. TOTAL COMPLETED & STORED TO DATE \$ 19,675.48
5. RETAINAGE:

b. 0 % of Stored Material \$ 0.00

(Column F on C703)

Total Retainage (Line 5a + 5b or
Total in Column I of C703)

\$ 0.00

6. TOTAL EARNED LESS RETAINAGE \$ 19,675.48

Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

\$ 15,315.52

8. CURRENT PAYMENT DUE \$ 4,359.96

(Line 6 from prior Certificate)

9. BALANCE TO FINISH, INCLUDING RETAINAGE

\$ 0.00

(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	
Total approved this Month	4,359.96	
TOTALS	4,359.96	
NET CHANGES by Change Order		

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without

CONTINUATION SHEET

AIA Document C702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

AIA DOCUMENT C703

(Instructions on reverse side)

APPLICATION NUMBER:

APPLICATION DATE:

PERIOD FROM:
PERIOD TO:

September 19, 2007
October 31, 2006
September 15, 2007

Use Column I on Contracts where variable retainage for line items may apply.

HCC #260351

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G-C) TO FINISH (C-G)	I BALANCE TO FINISH (C-G)	L RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD Labor					
	BASE CONTRACT								
	Class & Glazing	260.10	260.10	0.00		260.10	100%	0.00	0.00
	Electrical	10,595.00	10,595.00	0.00		10,595.00	100%	0.00	0.00
						0.00	0%	0.00	0.00
	SUBTOTAL	10,855.10	10,855.10	0.00	0.00	10,855.10	100%	0.00	0.00
	General Conditions	3,830.76	3,830.76	0.00		3,830.76	100%	0.00	0.00
						14,685.86	100%	0.00	0.00
	SUBTOTAL	14,685.86	14,685.86	0.00	0.00	14,685.86	100%	0.00	0.00
	Fee- 3%	440.58	440.58	0.00		440.58	100%	0.00	0.00
						15,126.44	100%	0.00	0.00
	SUBTOTAL	15,126.44	15,126.44	0.00	0.00	15,126.44	100%	0.00	0.00
	Insurance-1.25%	189.08	189.08	0.00		189.08	100%	0.00	0.00
						15,315.52	100%	0.00	0.00
	TOTAL-BASE CONTRACT	15,315.52	15,315.52	0.00	0.00	15,315.52	100%	0.00	0.00
	CHANGE ORDERS								
	CO#01	4,359.96	0.00	4,359.96		4,359.96	100%	0.00	0.00
	TOTAL-CHANGE ORDERS	4,359.96	0.00	4,359.96		4,359.96	100%	0.00	0.00
	PROJECT TOTAL	19,675.48	15,315.52	4,359.96	0.00	19,675.48	100%	0.00	0.00

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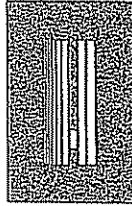
HENEGAN CONSTRUCTION CO., INC.
TRADE SUMMARY

PROJECT: LEHMAN BROTHERS
1301 Avenue of the Americas
3rd Floor-A/V Conference Room

APPLICATION # 2
H.C. JOB : 260351
09/15/2007

	TRADE	SUBCONTRACTOR	ORDERED VALUE	CHARGE CRODS	EXPEND CONTRACT	PERIODIC APPLICATION	CURRENT WORK IN PLACE	C/O IN PLACE	TOTAL COMPLETED	% CRT	BALANCE TO FINISH	LESS PREVIOUSLY SET	LESS CURRENTLY SET	ADD DEFERRED RETENTION	TOTAL RETENTION	NET OUT THIS APPLICATION
	Chas & Clarifing	Radline Professional Triling	260.10	0.00	260.10	260.10	0.00	4,359.96	260.10	100.0%	0.00				0.00	0.00
	Electrical	Campbell & Davies	10,595.00	4,359.96	14,954.96	10,595.00	0.00	4,359.96	14,954.96	100.0%	0.00				0.00	4,359.96
		TOTAL SUBCONTRACTORS	10,855.10	4,359.96	15,215.06	10,855.10	0.00	4,359.96	15,215.06	100.0%	0.00				0.00	
	General Conditions	Henegon Construction Co., Inc.	3,830.76	0.00	3,830.76	3,830.76	0.00	0.00	3,830.76	100.0%	0.00	0.00	0.00	0.00	0.00	0.00
	Lab/Ot	Henegon Construction Co., Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.00	0.00	0.00
	Fee	Henegon Construction Co., Inc.	440.58	0.00	440.58	440.58	0.00	0.00	440.58	100.0%	0.00	0.00	0.00	0.00	0.00	0.00
	Insurance	Henegon Construction Co., Inc.	189.08	0.00	189.08	189.08	0.00	0.00	189.08	100.0%	0.00	0.00	0.00	0.00	0.00	0.00
		TOTAL HCC	4,460.42	0.00	4,460.42	4,460.42	0.00	0.00	4,460.42	100.0%	0.00	0.00	0.00	0.00	0.00	0.00
		TOTAL CONTRACT	15,315.52	4,359.96	19,675.48	15,315.52	0.00	4,359.96	19,675.48	100.0%	0.00	0.00	0.00	0.00	0.00	4,359.96

4,359.96



HENEGAN
CONSTRUCTION CO., INC.

September 18, 2007

Ms. Jenny Cottingham
Lehman Brothers Inc.
1301 Avenue of the Americas
New York, NY 10019

Re: Lehman Brothers Inc.
1301 Avenue of the Americas, NYC
3rd Floor AV Conference Room
HCC # 260351
Change Order # 1

Dear Ms. Cottingham:

We herewith submit our proposal to perform additional work at the above referenced location, as outlined below, for the sum of: FOUR THOUSAND THREE HUNDRED FIFTY NINE DOLLARS AND 96/100, (\$ 4,359.96).

Scope of Work

Provide all labor, material, and equipment required to remove power, data, and AV feeds to prototype (Cisco) AV Conferencing Equipment originally installed as part of HCC proposal dated 10/19/06; and re-feed these services into new conference room table. All work to be in accordance with Lehman email correspondence received 8/6/07 through 8/16/07 and Campbell & Dawes Proposal dated 8/30/07.

Cost Breakdown

<u>CSI #</u>	<u>Trade</u>	<u>Subcontractor</u>	<u>Cost</u>
16001	Electric	Campbell & Dawes	\$ 3,270.00
01001	General Conditions (5.75%)		188.03
01013	OT Labor	Henegan Construction Co., Inc.	722.68
98001	Fee (3%)		125.42
17001	Insurance (1.25%)		53.83
TOTAL			\$ 4,359.96

Exclusions:

- Building department filing and fees
- Elevator, hoisting engineering and building charges.
- Asbestos removal and all related work.
- Trades not listed above.

Thank you for the opportunity to submit this proposal. If the above meets with your approval, please sign one copy and return to this office, located at 250 West 30th Street, New York, NY 10001. Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,
HENEGAN CONSTRUCTION CO., INC

Keith M. Pozzanghera
Project Manager

kmp

Accepted _____ Date _____